

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CitiMortgage, Inc.,

Plaintiff,

v.

Case No. 09-12881

United States of America, *et al.*,

Honorable Sean F. Cox

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT
WITHOUT PREJUDICE**

Plaintiff filed this action on July 22, 2009. On December 1, 2009, Plaintiff filed the instant motion seeking entry of a default judgment against Defendants Andrea Crayton and Mercy Dee. (Docket Entry No. 12).

“An entry of default and an entry of default judgment are two separate events or steps. The first step is the entry of default when it is shown, by affidavit or otherwise, that a defending party on a claim has failed to plead or otherwise defend. The second step is the entry of default judgment.” 46 Am. Jur. 2d *Judgments* § 233. The custom and practice in this Court is that a clerk’s entry of a default is a prerequisite to obtaining a default judgment from the district court. *See e.g., Dahill Management, LLC v. Moore*, 2009 WL 1664559 (E.D. Mich. 2009) (Wherein Chief Judge Gerald Rosen explained that “[t]his Court requires that the Plaintiff first obtain a clerks’s entry of default” before seeking a default judgment from the district court.).

The docket reflects that Plaintiff has not yet sought or obtained a clerk’s entry of default as to either Defendant Crayton or Defendant Dee. Accordingly, the Court DENIES WITHOUT

PREJUDICE Plaintiff's Motion for Default Judgment.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: December 15, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 15, 2009, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager